

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

| | | |
|--|---|--------------------|
| GWENDOLYN WILLIAMS, Mother and |) | |
| Rightful Beneficiary of Insured |) | |
| ANITA WILLIAMS HORNE |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 12-2412 |
| |) | |
| STONEBRIDGE LIFE INSURANCE |) | |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |

PETITION AND NOTICE OF REMOVAL

TO: United States District Court
Western Divisional Office
167 N. Main Street
Room 242
Memphis, TN 38103

PLEASE TAKE NOTICE that Stonebridge Life Insurance Company (hereinafter “Defendant”) hereby removes this action pursuant to 28 U.S.C. § 1441 from Chancery Court for Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee, and respectfully states to this Court as follows:

1. On March 28, 2012, Plaintiff Gwendolyn Williams (hereinafter “Plaintiff”) commenced a civil action against Defendant by filing a Complaint in the Chancery Court for Shelby County, Tennessee.

2. On or about May 14, 2012, Defendant received (by letter dated May 10, 2012 from the Tennessee Department of Commerce and Insurance) a copy of the Complaint. A copy of the Complaint and service of process is attached hereto and incorporated by reference herein as *Collective Exhibit 1*.

3. For the reasons stated below, this Court has jurisdiction over the state court action pursuant to 28 U.S.C. § 1332, because it is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interests, and it is between citizens of different states.

I. This Defendant has satisfied the procedural requirements for removal.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), because it is filed within thirty (30) days of receipt, by service or otherwise, a copy of the complaint. On May 14, 2012, Defendant received (by letter dated May 10, 2012 from the Tennessee Department of Commerce and Insurance) a copy of the Complaint.

5. The United States District for the Western District of Tennessee includes the county in which the state court action is now pending. Therefore, this Court is a proper venue for this action pursuant to 28 U.S.C. § § 123(a)(3) and 1441(a).

6. Pursuant to 28 U.S.C. § 1446(d), Defendant files written notice of this removal with the Clerk of the State Court in which the action is currently pending. Copies of the Notice of Filing, together with this Notice of Removal, are being served upon Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d).

II. Removal is proper in the present case.

7. Defendant, Stonebridge Life Insurance Company was at the time of commencement of this action, and still is, a foreign corporation organized under the laws of the

state of Vermont, with its principal place of business located in the state of Maryland. Defendant is a citizen or resident of no other state.

8. There is complete diversity between the Plaintiff and the Defendant. In the Plaintiff's Complaint, the Plaintiff admits that she is a citizen and resident of Shelby County, Tennessee.

9. The Plaintiff's Complaint seeks to recover an amount in excess of \$75,000, plus costs, attorney fees. Consequently, the amount in controversy exceeds the jurisdictional minimums outlined in 28 U.S.C. § 1332 (a).

WHEREFORE, Defendant respectfully removes this action from the Shelby County Chancery Court bearing docket number CH-12-0547-1 to this Court, pursuant to 28 U.S.C. § 1441.

DATED this 30th day of May, 2012.

Respectfully submitted,

LEITNER, WILLIAMS, DOOLEY & NAPOLITAN, PLLC

BY: s/M. Andrew Pippenger
M. ANDREW PIPPENGER (BPR #018183)
DENNIS P. HAWKINS (BPR #022116)
Attorneys for Defendant
801 Broad Street – 3rd Floor
Chattanooga, TN 37402-2621
(423) 265-0214 – telephone
(423) 424-3920 – direct dial
(423) 308-9020 – direct fax

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been delivered to all counsel for parties at interest in this cause by placing a true and correct copy of same in the United States mail, postage prepaid, in a properly addressed envelope, or by hand delivering same to each such attorney as follows:

David F. Kustoff, Esquire
KUSTOFF & STRICKLAND, PLLC
22 N. Front Street - Suite 660
Memphis, TN 38103
(901) 527-0255 – telephone
(901) 526-4904 – facsimile

This the 30th day of May, 2012.

BY: s/M. Andrew Pippenger
M. ANDREW PIPPENGER